

**The Town of Selbyville
Planning and Zoning Commission
Minutes of Meeting September 2, 2021**

The meeting was called to order by Chairman Jay Murray at 4 o'clock p.m. Also in attendance were Mike Doyle, Mike West, Ken Madara and Town Manager Stacey Long. Councilman Duncan was absent.

The meeting was properly posted.

Some of the representatives for the first item on the agenda were not in attendance yet, so they skipped to the second item.

The second item on the agenda was to consider final plan approval with requested waivers for Creekhaven subdivision on Polly Branch Road, TMP# 5-33-16.00-92.00. Daniel Bunting stated that this project is for a 72-unit single family home Residential Planned Community, which has gone through review by the town's engineer, Davis, Bowen & Friedel. All comments have been addressed to date and they are currently waiting on 2 agency approvals, one is a Court Order Change through DNREC, which should be received within a week, and the second is the Wastewater Permit through the state and is expected to be received within 10 business days. The town's engineer has recommended approval once the two outstanding agency approvals have been received. The developer's engineer, Chris Carbaugh with the Atlantic Group, presented information on the waivers that are being requested.

- Town Code Section 200-36-D-5-b – “Lots abutting adjacent properties that are not part of the RPC District shall be separated from these adjacent properties with a landscaped open area buffer of at least 25 feet in width”
 - Requesting waiver to allow placement of the 25-foot open area buffer within the Tax Ditch ROW on the southwest side of the property. Approved by the DNREC Drainage Section.
- Town Code 1601-A3 – “Horizontal curves shall have a minimum radius of 150 feet on residential streets”
 - Requesting to allow minimum horizontal curve radius of 75 feet. Both horizontal curves in Phase 2 have a radius of 75 feet to allow for an open space area inside the loop in lieu of a cul-de-sac configuration.
- Town Code 160-A6 – “Storm sewers shall have to be a minimum diameter of 15 inches and a minimum grade of 0.5%”
 - Requesting waiver to allow 18 of 29 storm pipes have slopes of less than 0.5%. The reduction in pipe slopes provides more space for other underground utilities to be installed. It also reduces excavation efforts, which could extend into groundwater with deeper pipes. Approved by Sussex Conservation District.
- Town Code 200-36-D-6-b-2 – “Each lot shall have a mailbox of uniform design that shall be consistent throughout RPC community”
 - Requesting waiver to allow Outlot E to be a cluster mailbox. The USPS requests the use of a centralized mailbox in new multi-home developments.
- Town Code 160-A3 – “Vertical curves shall be used at changes in grade of more than 1% for proper transitions, and the length of the curve shall approximate 25 feet for each percent of change in grade”

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- Requesting waiver to allow shorter vertical curves at 2 locations. First location at the entrance (Sta. 0+25.55). DelDOT has approved the entrance plan and has required that the intersection of Polly Branch Road and Creekview Circle be a 3-way stop intersection. The second location is at the 4-way intersection at (Station 2+01.79). They have met the required K-value (26) for Type I Subdivision Streets and this intersection is a 2-way stop. It has been designed with a 25-mph speed limit, using minimum 150 foot horizontal curve radii based on a Type 1 pavement.
- Town Code 200-152-B-17 – “The final site plan shall show the following: Preliminary plans and elevations of the several dwelling types and other buildings”
 - Ryan Homes presented the proposed floorplans and elevations, which focus on the concept of “Workforce Housing”. Each lot will be sodded and irrigated.

It was requested that the rear of the homes have additional windows installed. There have been numerous displeasing comments on the lack of windows on this style housing that is located in Saltwater Landing. It was noted that the rear of these house will be bordered by woods and not open as Saltwater Landing is. Additionally, the more windows, the more costs is involved and this development is focused on “Workforce Housing”.

Chairman Murray read the approval recommendation from Town Engineer, Jason Loar of Davis, Bowen & Friedel. Mike West made a motion to approve the final site plan with requested waivers upon the submission of the Soil Conservation District and DNREC approvals. The motion was seconded by Ken Madara and carried by all. It is noted that Chairman Jay Murray abstained from the vote. **It is the recommendation of the Planning and Zoning Commission that the Mayor and Council approve this request.**

The third item on the agenda was a conditional use request for 5 W Church Street, Honee Beauty Center, to provide permanent make up services as an additional service in her proposed retail store in Unit #202. Business owner, Dania Rodriguez, stated that permanent make up services falls under the Body Art Licensing with the State of Delaware. She has applied with the state for this licensing as well as scheduled a review from the Fire Marshall for opening the business to the public. She is currently waiting on both of those approvals. Since this type of use is not listed as a permitted use in the Historic Business District, she must apply for a conditional use with the Town. She explained that this is similar to tattooing, however, it does not go all the way down to the lower level of the skin. Her type of service is semi-permanent, meaning it could last up to 6 months to 2 years, versus the permanent nature of an actual tattoo. Her service will be focused more on the eyebrows, which consists of a blade of 4-5 small needles that will make manual hair strokes to make the appearance of an eyebrow. It only reaches the upper layer of the skin, which makes it semi-permanent. She is a current aesthetician student with the desire to add more services to her business in the future. Her hours of operation for this service would be by appointment only in the afternoons, although in February she will be open full time Tuesday – Friday 9 am – 5 pm and Saturdays 10 am – 6 pm. In addition to this use, she will also be selling handmade clothing, jewelry, and organic beauty products, which is an

approved use. She is only requesting the make-up services as a conditional use. Mike West made a motion to approve the conditional use request for permanent make-up services to be provided at 5 W Church Street, Unit 202, for Honee Beauty Center. The motion was seconded by Ken Madara and carried by all. **It is the recommendation of the Planning and Zoning Commission that the Mayor and Council approve this request.**

Chairman Murray stated that they will now hear the first item, on the agenda. The developer was unable to attend, however the engineer is in attendance and will discuss this matter. Town Administrator Stacey Long gave a brief history on this project. Back in 2007 this concept plan came before the Planning & Zoning Commission under the R-2 Zoning District. Currently there is a potential buyer of this property and would like to utilize the plan was that presented back in 2007, with some minor changes. Since then, this property has gone through a rezoning and is currently zoned as R-4. The developer wants to develop a Residential Planned Community, although without the commercial aspect, and to do so, would need to request some waivers to allow this project to move forward. Before the developer spends money for preliminary site plans with an engineering firm, he is inquiring if this project would be something the Town would be in favor of. This plan would fall under the major RPC guidelines since it consists of 30 or more residential units. The concept plan has 32 single family lots at 2.1 units per acre. They are not proposing any multi-family lots. Some of the waivers needed are listed and detailed below:

- They were able to get the minimum lot size requirements of 9,000 square feet (75 X 120), however, to comply with 200-36D(5)(b) which states that lots abutting adjacent properties that are not part of the RPC district shall be separated from these adjacent properties with a landscaped open area buffer of at least 25 feet in width, they do not have the room for the buffer. On lots 8 through 23, the landscape buffer is shown as an easement adjacent to an existing subdivision. Lot 1 through 7 are adjacent to either State maintained road or open spaces. Lots 24 through 27 are adjacent to properties not within the town. Lots 28 through 32 are adjacent to open space. Based on the layout of the property, having a separate 25-foot buffer area, the project would be greatly impacted. They would not be able to get the required lot sizes if the additional 25-foot buffer requirement must be met. The request is to keep the larger lot sizes and to have the 25-foot buffer as part of an easement on the individual lots. He stated that the developer has not specified any specific type of housing he is interested in placing within the development.
- The next waiver being requested is the current concept plan details the streets as being 16 feet of paved travel lane whereas the town has a minimum requirement of 14 feet. This would lessen the buffer area/grass strip to 2 feet instead of 4 feet between the curbing and sidewalk. This allows for more room for on-street parking to have a total paved street of 32 feet instead of 28 feet.

It was stated that the Town's Engineer has not reviewed this plan yet since it does not yet meet the qualifications of a preliminary site plan. Prior to preparing a preliminary plan, the developer was inquiring if this is acceptable to the town before incurring a lot of upfront costs. The Planning & Zoning Commissioners all agreed that the engineer should look at it and make his recommendations and comments on it.

There being no further business to discuss, Mike West made a motion to adjourn the meeting. Motion seconded by Mike Doyle and carried by all.